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PETER K. TRZYNA, ESQ.
P O BOX 7131
CHICAGO, IL 60680

EXAMINER

ROSEN, NICHOLAS D

ART UNIT

PAPER NUMBER

3625

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,258

Applicant(s)

GRAFF, RICHARD A.

Examiner

Nicholas D. Rosen

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claims 1-27 have been examined.

Examiner has noted the Applicant's request for an Interference against Harrington et al., U.S. Patent 6,161,099. However, Examiner does not believe that an Interference is proper, because, as set forth below, Examiner believes that the instant application does not adequately support the claim limitations; and that the earlier applications, of which the instant application is a continuation-in-part (via intermediate applications of which the instant application is a continuation), which predate Harrington's filing date, definitely do not provide adequate support for the claim limitations. Therefore, Examiner has judged it proper to reject Applicant's claims based on Harrington.

Response to Challenges of Official Notice

In rejecting claim 1 and again in rejecting claim 2, the examiner took official notice that it is well known for keyboards, computer mice, etc. to be electrically coupled to computers. This is supported by Belt et al. (U.S. Patent 5,136,694), in particular column 1, lines 13-29.

In rejecting claim 2, the examiner took official notice that it is well known for computers to use programs for inputting and outputting data. This is supported by Knudson (U.S. Patent 4,281,312), in particular column 3, lines 58-67; by Bennett et al. (U.S. Patent 4,591,983), in particular column 10, lines 30-35; by Patrick, II (U.S. Patent 5,142,624), in particular column 4, line 1, through column 5, line 8; and by Yuge (U.S.

Art Unit: 3625

Patent 5,307,501), in particular Figure 2, and column 2, line 62, through column 3, line 9.

In rejecting claim 7, the examiner took official notice that Treasury yield curves are well known. This is supported by Montagnon ("UBS Sparks Eurobonds Market with 300 Million Dollars Issue"), which teaches that the market "is now thoroughly used to pricing issues off the US Treasury yield curve"; and by Rose ("Do Commercial Loans Pay Their Way?"), which teaches that "riskless discount factors can be readily extracted from the Treasury yield curve".

In rejecting claim 8, the examiner took official notice that it is well known for computers to have monitors. This is supported by the article, "New Monitors: Mitsubishi Debuts Diamond Pro, Diamond Scan Color Monitors Featuring Improved Ergonomics, Resolution."

Claim Objections

Claim 23 is objected to because of the following informalities: Claim 23 recites "said communicating" which is unclear in that claim 2, upon which claim 23 depends, does not expressly recite communicating. Presumably, "said communicating" refers to the outputting step of claim 2, but claims should be written so that readers do not have to resort to "presumably". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 3625

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3-13, and 18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As per claim 1, the instant application may be read as disclosing an electronic process for selling fixed income instruments, but this does not take place in an electronic bidder system. The specification does not describe a bidding or auctioning process. The instant application does not disclose inputting data associated with at least one price a buyer is willing to pay for at least one fixed income instrument into a buyer's computer via input means. (The Applicant refers to page 29, lines 3-12, and page 30, lines 4-8, as supporting this limitation, but these parts of the specification teach computing a price that it is expected that buyers will be willing to pay, based on prevailing interest rates, etc., in a financial analysis computer system, rather than inputting the price a particular buyer is willing to pay, or even data associated therewith, into a buyer's computer; in fact, the calculated data is outputted to at least one buyer's computer [page 55, lines 10-18; Figure 6].) The instant application does not disclose presenting said price by outputting at least some of said inputted data from said buyer's computer over said multiple computer system. (The Applicant refers to page 34, lines 8-10, and page 24, line 23, in support of this limitation, but while the language of the specification at those points refers to presenting data, the data is not "said price," nor from the buyer's computer; instead, the data is

financial analysis output data sent to at least one buyer's computer.) A fortiori, support for these claim limitations is definitely not present in the specification of U.S. Patent 5,802,501, filed January 12, 1994, of which the instant application is (via intermediate applications) a continuation-in-part.

Claims 3-13 and 18 are rejected as depending on claim 1.

Claims 2, 14-17, and 19-27 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As per claim 2, the instant application may be read as disclosing an electronic process for selling fixed income instruments, but this does not take place in an electronic bidder system. The specification does not describe a bidding or auctioning process. The instant application does not disclose, at one of multiple buyers' computers, inputting data associated with a price one of the multiple buyers is willing to pay for fixed income instruments into via respective input means. (The Applicant refers to page 29, lines 3-12, and page 30, lines 4-8, as supporting this limitation, but these parts of the specification teach computing a price that it is expected that buyers will be willing to pay, based on prevailing interest rates, etc., in a financial analysis computer system, rather than inputting the price a particular buyer is willing to pay, or even data associated therewith, at a buyer's computer; in fact, the calculated data is outputted to at least one buyer's computer [page 55, lines 10-18; Figure 6]). The instant application does not disclose presenting said price by outputting said yield/discount rate over said multiple computer

Art Unit: 3625

system to said other computer. (The Applicant refers to page 24, line 23, and page 60, lines 19-20, in support of this limitation, but at page 60, lines 19-23, the specification teaches calculating a yield/discount rate at a seller computer system, rather than outputting said yield/discount rate computed based at least in part on data associated with a price a buyer is willing to pay.) A fortiori, support for these claim limitations is definitely not present in the specification of U.S. Patent 5,802,501, filed January 12, 1994, of which the instant application is (via intermediate applications) a continuation-in-part.

Claims 14-17 and 19-27 are rejected as depending on claim 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-13, and 18

Claims 1, 3-13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington et al. (U.S. Patent 6,161,099) in view of official notice. As per claim 1, Harrington discloses in an electronic bidder system including a second computer having an output means and at least one buyer's computer having an input means and a monitor, said buyer's computer and said second computer being respectively located, said computers being used in cooperation in a multiple computer

Art Unit: 3625

system in electronically communicating data between said computers, an electronic process for selling fixed income instruments (Abstract; Figure 1), the process comprising: inputting data associated with at least one price a buyer is willing to pay for at least one fixed income instrument into said buyer's computer via said input means (column 4, lines 34-46; column 5, lines 11-36; column 6, lines 11-52; Figure 1); automatically computing a yield/discount rate based at least in part on said inputted data, said automatically computed yield/discount rate associated with said at least one fixed income instrument (column 8, lines 18-28; column 9, lines 23-55; Figures 10 and 11); presenting said price by outputting at least some of said inputted data from said buyer's computer over said multiple computer system (column 4, lines 34-46; column 5, lines 11-39; column 11, lines 20-48; Figure 3a); communicating data associated with said price to said second computer over said multiple computer system (Abstract; column 4, lines 34-46; column 5, lines 11-39; column 11, lines 20-48). Harrington does not expressly disclose that the input means is electrically coupled, but official notice is taken that it is well known for keyboards, computer mice, etc., to be electrically coupled to computers. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the input means electrically coupled to the at least one buyer's computer, for the obvious advantage of enabling the buyer or buyers to input data using standard, widely available equipment.

As per claim 3, Harrington discloses that said presenting step includes presenting a price a buyer is willing to pay for at least one of an entire fixed income

Art Unit: 3625

instrument and a component of the fixed income instrument (column 6, lines 20-25; column 9, lines 23-65).

As per claim 4, Harrington discloses that said system further includes a third computer respectively located in said multiple computer system, and said presenting step comprises outputting said data from said buyer's computer, and said third computer receiving said data, by electronic communication (Abstract; Figure 3a; column 4, lines 47-55; column 11, lines 20-41).

As per claim 5, Harrington discloses that his invention is applicable to Treasury auctions (column 6, lines 14-17). Harrington does not expressly disclose inputting an interest rate for at least one maturity associated with at least one fixed income Treasury instrument including one or more series of maturities, but does disclose inputting an interest rate for at least one maturity associated with at least one fixed income instrument including one or more series or maturities (column 4, lines 34-46; column 5, lines 11-36; column 6, lines 11-52; column 9, lines 4-11 and 23-39; Figure 10), and discloses that his invention is applicable to Treasury auctions (column 6, lines 14-17). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to apply Harrington's invention to at least one fixed income Treasury instrument, for the obvious advantage of applying Harrington's method to one of the financial instruments for which he declares it applicable, thus making Treasury auctions more convenient.

As per claim 6, Harrington discloses inputting a purchase price for one of a component of a portfolio of fixed income instruments and all of the portfolio of fixed income instruments (column 9, lines 23-65; column 10, lines 22-23).

As per claim 7, Harrington discloses that said inputting step includes inputting a yield/discount rate for each maturity associated with a portfolio of fixed income instruments (column 4, lines 34-46; column 5, lines 11-36; column 6, lines 11-52; column 9, lines 4-11 and 23-55; Figures 10 and 11), and discloses that his invention is applicable to Treasury auctions (column 6, lines 14-17). Harrington does not expressly disclose that the instruments are associated with a Treasury yield curve, but official notice is taken that Treasury yield curves are well known, so Treasury instruments are inherently associated with a Treasury yield curve. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the inputting step include inputting a yield/discount rate for each maturity associated with a portfolio of fixed income Treasury instruments, for the obvious advantage of applying Harrington's method to one of the financial instruments for which he declares it applicable, thus making Treasury auctions more convenient.

As per claim 8, Harrington discloses that the system further includes a third computer respectively located in said multiple computer system, and said process further includes at least some of said data inputted by said inputting step being received by electronic communication by said third computer in said multiple computer system for display (Abstract; Figure 3a; column 4, lines 47-55; column 11, lines 20-41). Harrington does not expressly disclose that said third computer has a monitor, or that said data is

displayed on said third computer's monitor, but official notice is taken that it is well known for computers to have monitors (as Harrington shows in Figure 1). Hence it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the third computer to have a monitor, and for at least some of the data to be displayed on the third computer's monitor, for the obvious advantage of enabling the user of the third computer to easily view the data, and any other data on the third computer.

As per claim 9, Harrington discloses that bidders can view bid information in real-time (column 4, lines 47-55; column 12, lines 46-58; column 13, 21-25), implying that receipt of electronically communicating data by said third computer is performed in real time response to said presenting step. Harrington illustrates such data including at least text (Figure 6).

As per claim 10, Harrington discloses that bidders can view bid information in real-time (column 4, lines 47-55; column 12, lines 46-58; column 13, 21-25), implying that said communicating step is performed in real time response to said presenting step.

As per claim 11, Harrington discloses that the computing step comprises computing the yield/discount rate (column 9, lines 23-55).

As per claim 12, Harrington discloses receiving at least some output by said buyer's computer in the multiple computer system communicated from a second other computer in the multiple computer system, said buyer's computer and said second other computer respectively located, and at least some of said output including an offering memorandum (Abstract; Figure 3a; column 4, lines 47-55; column 11, lines 20-41).

As per claim 13, Harrington discloses automatically verifying said inputted data (column 4, lines 56-67).

As per claim 18, Harrington discloses inputting an interest rate for at least one maturity associated with at least one fixed income instrument including one or more series of maturities (column 4, lines 34-46; column 5, lines 11-36; column 6, lines 11-52; column 9, lines 4-11 and 23-39; Figure 10), and discloses that his invention is applicable to Treasury auctions (column 6, lines 14-17). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the inputting step include inputting an interest rate for at least one maturity associated with at least one fixed income Treasury instrument including one or more series of maturities, for the obvious advantage of applying Harrington's method to one of the financial instruments for which he declares it applicable, thus making Treasury auctions more convenient.

Claims 2, 14-17, and 19-27

Claims 2, 14-17, and 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington et al. (U.S. Patent 6,161,099) in view of official notice. As per claim 2, Harrington discloses in an electronic bidder system including multiple buyer's computers and an other computer, the multiple buyers' computers and the other computer respectively located, each of said multiple buyers' computers having a respective input means and monitor, said other computer having an output means, said computers being used in cooperation in a multiple computer system in electronically communicating data between said computers, an electronic process for selling fixed

Art Unit: 3625

income instruments, the electronic process comprising: at one of said multiple buyers' computers, inputting data associated with a price one of the multiple buyers is willing to pay for fixed income instruments via said respective input means (column 4, lines 34-46; column 5, lines 11-36; column 6, lines 11-52; Figure 1); automatically computing a yield/discount rate based at least in part on said inputted data, said automatically computed yield/discount rate associated with said fixed income instruments (column 8, lines 18-28; column 9, lines 23-55; Figures 10 and 11); outputting said yield/discount rate over said multiple computer system to said other computer (Abstract; column 9, lines 23-55; Figures 10 and 11); and displaying said yield/discount on said other computer's output means (Figure 3a; column 11, lines 20-48). Harrington does not expressly disclose that the respective input means and monitor are electrically coupled, but official notice is taken that it is well known for monitors, keyboards, computer mice, etc., to be electrically coupled to computers. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the input means and monitors electrically coupled to the respective buyers' computers, for the obvious advantage of enabling the buyers to input data and observe output using standard, widely available equipment.

Harrington does not expressly disclose that at least one of the inputting step and the outputting step is performed using a computer program for receiving data from said multiple computer system, but official notice is taken that it is well known for computers to use programs for inputting and outputting data. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's

Art Unit: 3625

invention to have at least one of the inputting step and the outputting step be performed using a computer program for receiving data from said multiple computer system, for the obvious advantage of enabling data to be inputted and outputted conveniently, without resorting to such improbable expedients as having a human operator input and output it in Morse code.

As per claim 14, Harrington discloses that said displaying step comprises displaying said yield/discount rate (Figure 3a; column 11, lines 20-48; column 13, lines 11-14).

As per claim 15, Harrington discloses selling the fixed income securities to the one of said multiple buyers first presenting the most favorable price at least one of the multiple buyers is willing to pay (column 14, lines 14-16).

As per claim 16, Harrington discloses selling the fixed income securities to the buyer presenting said price said buyer is willing to pay (Abstract; column 4, lines 34-46).

As per claim 17, claim 17 is parallel to claim 4, and rejected on similar grounds.

As per claim 19, claim 19 is parallel to claim 6, and rejected on similar grounds.

As per claim 20, claim 20 is parallel to claim 7, and rejected on similar grounds.

As per claim 21, claim 21 is parallel to claim 8, and rejected on similar grounds.

As per claim 22, Harrington discloses presenting at least one price at least one of the multiple buyers is willing to pay based on the inputting step (column 4, lines 34-46; column 5, lines 11-39; column 11, lines 20-48; Figure 3a), and discloses that bidders can view bid information in real-time (column 4, lines 47-55; column 12, lines 46-58; column 13, 21-25), implying that receipt of electronically communicating data by said

Art Unit: 3625

second other computer is performed in real time response to said presenting step.

Harrington illustrates such data including at least text (Figure 6).

As per claim 23, Harrington discloses presenting at least one price at least one of the multiple buyers is willing to pay based on the inputting step (column 4, lines 34-46; column 5, lines 11-39; column 11, lines 20-48; Figure 3a), and that bidders can view bid information in real-time (column 4, lines 47-55; column 12, lines 46-58; column 13, 21-25), implying that the communicating is performed in real time response to said presenting step.

As per claim 24, claim 24 is parallel to claim 11, and rejected on similar grounds.

As per claim 25, claim 25 is parallel to claim 12, and rejected on similar grounds.

As per claim 26, claim 26 is parallel to claim 13, and rejected on similar grounds.

Response to Arguments

Applicant's arguments filed May 1, 2003, have been fully considered but they are not persuasive. In response to Examiner's statement that the instant application does not adequately support the claim limitations, while the prior applications "definitely do not provide adequate support," Applicant declares that he does not understand the distinction, because the support identified in the Request for an Interference is identically found in the earlier patent applications. Examiner replies that what Examiner wrote was:

Examiner does not believe that an Interference is proper, because, as set forth below, Examiner believes that the instant application does not

adequately support the claim limitations; and that the earlier applications, of which the instant application is a continuation-in-part (via intermediate applications of which the instant application is a continuation), which predate Harrington's filing date, definitely do not provide adequate support for the claim limitations. Therefore, Examiner has judged it proper to reject Applicant's claims based on Harrington.

Specifically, application 08/181,632, filed October 28, 1992, now U.S. Patent 5,802,501 is held not to provide support for the claims in the instant application, which, being a continuation of a continuation-in-part of 08/181,632, does not have an identical specification. Even if, *ad arguendo*, *the relevant parts* of the two applications are identical, the key question is whether the applications which predate Harrington's priority date support the claims in the instant application. As set forth above, in the rejections of Applicant's claims under 35 U.S.C. 112, first paragraph, and below, in Examiner's detailed responses to Applicant's arguments, it is held that they do not.

Applicant argues that Examiner has already acknowledged in essence that Applicant's amended language is supported by the specification, i.e., that the specification discloses "a price buyers will be willing to pay." What Examiner actually wrote is much less favorable to Applicant's position, namely, "these parts of the specification teach computing a price that it is expected that buyers will be willing to pay, based on prevailing interest rates, etc., in a financial analysis computer system." A price which it is expected that buyers will be willing to pay, based on prevailing interest rates, etc., is not certain to be a price which any buyer actually will be willing to pay.

Applicant further argues that Examiner's contention that the specification does not disclose "inputting the price a particular buyer is willing to pay, or even data associated therewith, into a buyer's computer" is in conflict with the subsequent contention in the Office action that "the data is financial analysis output sent to at least one buyer's computer." Examiner replies that there is no conflict, because the financial analysis output sent to a buyer's computer is not necessarily associated with the price any buyer is willing to pay, and also because the financial analysis output sent to a buyer's computer from a financial analysis computer system is not data inputted to the buyer's computer via input means such as a keyboard used by the buyer. One can take the view that a modem coupled to the buyer's computer qualifies as input means, but that still leaves the claims fundamentally conflicting with the specification. The specification teaches computing a price that it is expected that buyers will pay in a financial analysis computer system, and sending that price information to at least one buyer's computer, not outputting data from a buyer's computer to a second computer, corresponding to the financial analysis computer system.

Applicant further argues that page 34, lines 8-10, of the instant application refer to Screens 2-4 of Specimen 2, and that Screen 3 of Specimen 2 includes said price. Examiner replies that Screen 3 of specimen 2 does include an "Estate for Years Purchase Price" and a "Remainder Purchase Price," but neither qualifies as "said price." Once again, this is calculated financial analysis output sent to a buyer's computer, not a price a buyer is willing to pay, outputted from the buyer's computer.

Applicant yet further argues, regarding Examiner contention that the calculated data is outputted to at least one buyer's computer, that "Figure 6 clearly shows that the calculated data is outputted to a system of computers, including a buyer's computer, rather than solely to a single computer as the Examiner contends." Examiner responds that he never contended that the calculated data is outputted solely to a single computer; further, the fact that the calculated data is shown as also being outputted to a tax analyst computer system, an insurance company computer system, and a component seller computer system, in no way invalidates Examiner's actual contention, supported by Figure 6, that the calculated data is outputted to at least one buyer's computer.

Applicant's arguments against the rejection of claim 1 under 35 U.S.C. 112, first paragraph, having been found unpersuasive, Applicant's traversal of the consequent rejections of dependent claims 3-13 and 18 is likewise unpersuasive.

Applicant's arguments regarding claim 2 and its dependents only repeat arguments made regarding claim 1 and its dependents; Examiner's replies are therefore reiterated.

Applicant next argues that the rejections of the claims under 35 U.S.C. 103 based on Harrington in view of official notice were improper, because Harrington has not been shown to be prior art. The Harrington patent has a priority date in 1997, so if Applicant's U.S. Patent 5,802,501 (filed in 1994, and a continuation-in-part of an application filed in 1992) supported Applicant's current claims, it would indeed be improper to use Harrington as the basis for an art rejection. However, since Applicant's

Art Unit: 3625

current claims (quite different from the claims in Patent 5,802,501) are held not to be supported by the instant application (a continuation of application 09/134,451, now U.S. Patent 6,192,347, filed in 1998), and certainly not by the disclosure of Patent 5,802,501, it is proper to use Harrington as prior art.

Applicant requires a reference for each reliance upon Official Notice; Examiner has provided references.

Applicant objects that Examiner appears to contend that the patents from which Applicant claims priority are "prior art." Examiner assures Applicant that Examiner does not regard those patents of Applicant as prior art in the usual sense, and agrees that it would be improper to make rejections under 35 U.S.C. 102 or 35 U.S.C. 103 using them. Examiner only wished to make them of record in the case, since the issue of whether Applicant's claims have support in the specifications and drawings of these earlier patents is crucial.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Knudson (U.S. Patent 4,281,312) discloses a system to effect digital encoding of an image. Bennett et al. (U.S. Patent 4,591,983) disclose a hierarchical knowledge system. Belt et al. (U.S. Patent 5,136,694) disclose a method and apparatus facilitating communication between two keyboards and a single processor. Patrick, II (U.S. Patent 5,142,624) discloses a virtual network for personal

Art Unit: 3625

computers. Yuge (U.S. Patent 5,307,501) discloses insuring data security and requiring only the minimum necessary input operations.

Montagnon ("UBS Sparks Eurobonds Market with 300 Million Dollars Issue") discloses a Eurobond issue, and refers to the US Treasury yield curve. Rose ("Do Commercial Loans Pay Their Way") discloses measuring the profitability of commercial lending, and refers to the US Treasury yield curve. The anonymous article ("New Monitors: Mitsubishi Debuts Diamond Pro, Diamond Scan Color Monitors Featuring Improved Ergonomics, Resolution") discloses computers having monitors.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and for After Final communications. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

The new mailing address for the Patent Office is:

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

As of May 1, 2003, the former addresses, Washington DC 20231 and P.O. Box 2327 Arlington VA 22202, should **not** be used.

Papers can be hand-delivered to the Technology Center 3600 receptionist, 7th floor, Crystal Park 5, 2451 Crystal Drive, Arlington VA 22202.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER

July 29, 2003